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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0895 MMC
)	
Plaintiff,)	[PROPOSED] ORDER AND
)	STIPULATION EXCLUDING TIME
v.)	FROM JUNE 3, 2009, TO JUNE 17, 2009,
)	FROM THE SPEEDY TRIAL ACT
EDGAR FERNANDO MEDINA-)	CALCULATION (18 U.S.C. §
TRUJILLO,)	3161(h)(1)(A) & (h)(7)(A))
)	
Defendants.)	

On June 3, 2009, the parties appeared before the Honorable Magistrate Judge Edward M. Chen for a status hearing on the competency report ordered for the defendant. At that appearance, counsel for defendant indicated that she needed additional time to meet with her client and evaluate his competency to proceed in this matter. The Court continued the matter to June 17, 2009 for further status regarding competency and for entry of plea, if appropriate. The Court ordered that time should be excluded from the Speedy Trial Act calculation from June 3, 2009, through June 17, 2009, to determine the mental competency of the defendant and for effective preparation and continuity of defense counsel.

1 With the agreement of the parties, and with the consent of the defendant, the Court enters
 2 this order documenting the exclusion of time under the Speedy Trial Act first from June 3, 2009,
 3 through June 17, 2009, to determine the mental competency of the defendant under 18 U.S.C. §
 4 3161(h)(1)(A), and for the effective preparation and continuity of defense counsel under 18
 5 U.S.C. § 3161(h)(7)(A).

6 The parties agree, and the Court finds and holds, as follows:

7 1. The defendant is in custody.

8 2. The defendant agrees to an exclusion of time under the Speedy Trial Act from June 3,
 9 2009, through June 17, 2009, based upon the need to determine the mental competency of the
 10 defendant and for effective preparation and continuity of defense counsel.

11 3. Counsel for the defendant believes that the exclusion of time is in her client's best
 12 interest.

13 4. Given these circumstances, the Court finds that the ends of justice served by excluding
 14 the period from June 3, 2009 through June 17, 2009, outweigh the best interest of the public and
 15 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

16 5. Accordingly, and with the consent of the defendant, the Court orders that (1) an
 17 appearance shall be set on June 17, 2009, at 9:30 a.m. before the Honorable Magistrate Judge
 18 Edward M. Chen;; and (2) the period from June 3, 009, through June 17, 2009, shall be excluded
 19 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(1)(A), (h)(7)(A) & (B)(iv).

20 STIPULATED:

21
 22 DATED: June 9, 2009

/s/ Jodi Linker _____
 JODI LINKER
 Attorney for Defendant

23
 24
 25 DATED: June 9, 2009

/s/ David J. Ward _____
 DAVID J. WARD
 Special Assistant United States Attorney

1 IT IS SO ORDERED.

2
3 DATED: June 12, 2009

